IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1749 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/07/2004 in WPMP No.13248 of 2004 in WP NO : 21721 OF 2002 on the file of the High Court.)

Between:

1 S.Nageshwar Rao, S/o Subba Rao,
R/o G-4, Ramaratna Apartments, Bank Colony, Siddarthanagar,
Vijayawada, Krishna District
2 Uppalapati Sambasiva Raju, S/o Adiraju,
R/o Ramaraja Nagar, Near Sitara Theatre, Vijayawada

..... APPELLANTS

AND

1 Government of A.P.rep.by Dy.Transport Commissioner, Vijayawada
2 Secretary/Addl.Secretary, Regional Transport Authority,
Krishna District at Vijayawada
3 M/s Radha Madhav Automobiles, a partnership firm,
48-10-14, Opp.NTR Medical College, Nagarjuna Nagar, Vijayawada.
4 New India Assurance Co.Ltd. rep.by its Branch Manager, Mahalaxmi

Chambers, II Floor, M.G.Road, Bangalore.
5 Sundaram Finance Limited rep.by its Manager at
40-1-126, M.G.Road, Vijayawada

.....RESPONDENTS

Counsel for the Appellants: MR.J.PRABHAKAR

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent Nos.3 and 4: None appeared
Counsel for the Respondent No.5: Mr.Prabhakar Sripada

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appeal is against the order passed by learned single Judge dismissing the application to implead the appellant No.2 herein in the writ petition. Writ petition has been filed seeking quashing of the order dated 8-10-2002 passed by the first respondent as arbitrary and direction to respondents 1 and 2 to alter the chassis number in the registration certificate of the vehicle, which met with an accident. By interim order, chassis was ordered to be changed and pending writ petition, the vehicle has been sold by the writ petitioner in favour of the person who is seeking his impleadment. Sale was effected after the implead petitioner is claimed to have paid of all the loans of the sole petitioner. In these circumstances, when there is no opposition even by the writ petitioner, there was no lawful justification for the learned single Judge in having dismissed such an application for impleadment.

Accordingly, appeal is allowed and the impugned order is set aside. W.P.M.P. No.13248 of 2004 for impleadment is ordered.

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DEVINDER GUPTA, CJ

17-11-2004

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C.V.RAMULU, J

Tvr

To

1. The Deputy Transport Commissioner, Government of A.P.,

Vijayawada.

2 The Secretary/Addl.Secretary, Regional Transport Authority,
Krishna District at Vijayawada

3 2 CCs to the Govt. Pleader for Transport, High Court Buildings,

Hyderabad (OUT).